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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/625,328

07/23/2003

Sebastien Weitbruch

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EXAMINER

CASCHERA, ANTONIO A

ART UNIT

PAPER NUMBER

2628

MAIL DATE

DELIVERY MODE

06/16/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/625,328	Applicant(s) WEITBRUCH ET AL.	
	Examiner Antonio A. Caschera	Art Unit 2628	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 June 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-6 and 17-25.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see continuation sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Antonio A Caschera/
 Primary Examiner, Art Unit 2628

continuation of no. 7: The claims would be rejected as seen in the Final Rejection of 04/06/10.

continuation of no. 11: In reference to claims 1-6 and 17-25, Applicant argues that Ishii et al. makes no teaching of a method to suppress a dithering pattern resulting from a moving object observed by a viewer (see pages 3-4 of Applicant's Remarks). Applicant goes on to state that Ishii et al. is directed to eliminating screen beating or flickering and not dithering patterns (see page 4 of Applicant's Remarks). In response, the Examiner disagrees and states that firstly, the claims call for a "suppression" and not an "elimination" of dithering pattern(s) from view. The Examiner states that suppression is not interpreted equivalent to elimination. This being said, Ishii et al. discloses that reduced gray-scaling, as performed by the invention, effectively smoothens gray-shade display and RGB distributed dithering (see column 2, lines 59-67). Therefore, the Examiner interprets that the techniques utilized in Ishii et al. can surely be interpreted as "suppressing" dithering artifacts since "smoothing" of dithered data is explicitly performed which can, at least inherently, be seen as smoothing artifacts within the dithered data. The Examiner therefore, maintains the previous rejection based upon Ishii et al..

Further, in reference to claims 1-6 and 17-25, Applicant argues that Beck et al.'s motion vector does not represent movement of a moving object but instead corresponds to a static object (see pages 4-6 of Applicant's Remarks). In response, the Examiner disagrees and states, taking the broadest reasonable interpretation of the prior art and claim language, the phrase, "representing the movement of a moving object" is exactly what is taught by Beck et al.. Beck et al. explicitly discloses computing a motion vector representing the movement of the original image over a frame or series of frames to offset the image with respect to the pixels on the final output device (see "Results"& Figure 4, page 408). In other words, the object in Beck et al. is moving across a series of frames and the vector is tracking or representing its movement. Also, Applicant argues that Beck et al. does not disclose the motion vector changing the dithering function (see page 5 of Applicant's Remarks). In response, the Examiner disagrees and points to pages 408-409 of Beck et al. wherein the equations making up the dithering function are disclosed as composed with a varying pixel width, w , which surely changes the function and in particular spatial resolution of the function. Therefore, the Examiner interprets the interpretation of Beck et al. to be just and maintains the current rejection.